

**REMARKS**

Claims 1-22 and 24-34 are pending in the present application. By this Amendment, claims 17, 20 and 25 are amended and new claims 33-34 are added. Various amendments are made to the claims for clarity, and are unrelated to issues of patentability.

Applicant gratefully acknowledges the Office Action's indication that claims 1-16, 24 and 28-29 are allowed. Applicant respectfully submits that each of independent claims 17, 20 and 25 also define patentable subject matter for at least similar reasons.

The Office Action rejects claims 17-22, 25-27 and 30-32 under 35 U.S.C. §103(a) over Applicant's Admitted Prior Art (AAPA) in view of U.S. Patent 6,021,123 to Mimura. The rejection is respectfully traversed with respect to the pending claims.

Independent claim 17 recites for each of the plurality of terminals, monitoring each of the plurality of channels to detect a signal that indicates an idle channel. AAPA and Mimura do not teach or suggest at least these features of independent claim 17. More specifically, the Office Action (on page 3) states that AAPA does not explicitly teach monitoring each of the plurality of channels. The Office Action then cites Mimura as disclosing monitoring of each of the plurality of channels in determining whether a carrier frequency is available or not. However, AAPA and Mimura do not teach or suggest for each of the plurality of terminals, monitoring each of the plurality of channels to detect a signal that indicates an idle channel.

More specifically, Mimura merely relates to sensing power for carrier frequencies. This is not related to detecting a signal that indicates an idle channel based on monitoring each of the plurality of channels. AAPA also does not teach or suggest monitoring each of a plurality of

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channels as stated in the Office Action. As such, AAPA and Mimura may not be properly combined as alleged in the Office Action in order to obtain all the features of independent claim 17. Accordingly, AAPA and Mimura do not teach or suggest at least these features of independent claim 17. Thus, independent claim 17 defines patentable subject matter.

Independent claim 20 recites the plurality of terminals are configured to simultaneously monitor channel availability information for each of the plurality of channels of the base station and to transmit data on a first channel when an occupied state of the first channel is released. AAPA and Mimura do not teach or suggest at least these features of independent claim 20. More specifically, the Office Action (on pages 5-6) states that AAPA does not explicitly teach monitoring each of a plurality of channels. The Office Action then cites Mimura as disclosing monitoring each of the plurality of channels in determining whether a carrier frequency is available or not. However, Mimura does not suggest channel availability information for each of a plurality of channels and to transmit data on a first channel when an occupied state of the first channel is released.

Mimura merely relates to sensing power for different carrier frequencies. Therefore, Mimura has not suggestion for transmitting data when an occupied state of a first channel is released (based on simultaneously monitoring for each of a plurality of channels of a base station). AAPA also does not teach or suggest all these features for at least the reasons set forth in the Office Action. As such, AAPA and Mimura may not be properly combined as alleged in the Office Action in order to obtain all the features on independent claim 20. AAPA and

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Mimura do not teach or suggest at least these features of independent claim 20. Thus, independent claim 20 defines patentable subject matter.

Still further, independent claim 25 recites monitoring, by a mobile terminal, each of the plurality of channels from a base station to determine when an occupied state of one of the plurality of channels is released. Independent claim 25 also recites determining, by the mobile terminal, an available channel from all of the channels from the base station when the mobile terminal determines the occupied state of the one of the plurality of channels is released. For at least similar reasons as set forth above, AAPA and Mimura do not teach or suggest all the features of independent claim 25. Thus, independent claim 25 defines patentable subject matter.

Accordingly, each of independent claims 17, 20 and 25 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

For example, dependent claim 33 recites that each of the plurality of terminals simultaneously monitors each of the channels in parallel to detect a signal that indicates an idle channel. For at least similar reasons as set forth above and with respect to allowed claim 1, dependent claim 33 defines patentable subject matter.

Additionally, dependent claim 34 recites that where the plurality of terminals are configured to simultaneously monitor channel availability information for each of the plurality of channels of the base station and to transmit data on a first channel when an occupied state of the first channel is released. For at least similar reasons as set forth above (and for at least the

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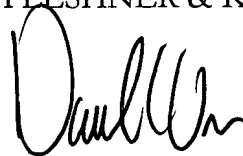
reasons set forth above with respect to independent claim 8), dependent claim 34 defines patentable subject matter.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-22 and 24-34 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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